

REMARKS

In summary, claims 1-69 are pending. Claims 49-58, and 65-69 are withdrawn. The drawings are objected to. Claims 1-30, 32-48, and 59-64 are rejected. Claims 41-44 contain allowable subject matter. Applicant respectfully traverses the rejection of claims 1-30, 32-48, and 59-64. By this response, the specification is amended, and a complete set of substitute drawings is submitted. No claims are amended. No new matter is added.

Drawing Objections

The drawings are objected to because a “transducer” and “an audible signal,” as recited in claims 32 and 33 respectively, are not shown therein. Figure 2 is amended to include a transducer as recited in claim 32. Paragraph [0029], which refers to Figure 2, is amended to alleviate the objects to claims 32 and 33. Accordingly, it is requested that the objection to the drawings be reconsidered and withdrawn.

Claim Rejections - 35 U.S.C. § 112

Claims 32, 33, and 35 are rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement.

Claim 32 is rejected because “a transducer in electrical communication with said microprocessor for providing a signal perceptible to a person,” as recited therein, is not described in the specification. Figure 2 is amended and paragraph [0029] is amended to recite: “In an exemplary embodiment, a transducer is in electrical communication with the microprocessor for providing a signal perceptible to a person, such as an audible signal for example.” Accordingly, it is requested that the rejection of claims 32 under 35 U.S.C. § 112 be reconsidered and withdrawn.

Claim 33 is rejected because an “audible signal,” as recited therein, is not described in the specification. Figure 2 is amended and paragraph [0029] is amended to recite: “In an exemplary embodiment, a transducer is in electrical communication with the microprocessor for providing a signal perceptible to a person, such as an audible signal for example.” Accordingly, it

is requested that the rejection of claims 33 under 35 U.S.C. § 112 be reconsidered and withdrawn.

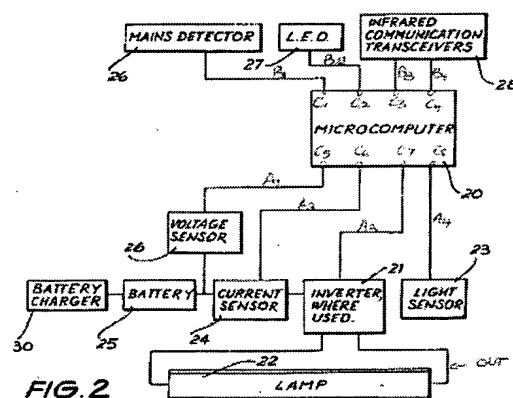
Claim 35 is rejected because the recitation: “portion of said set of data includes information relating to at least one of the ballast’s location and the ballast’s duties in a system,” is not described in the specification. Paragraph [0009] is amended to recite: “Also, a portion of the data stored in the processor memory can include information relating to the ballast’s location and/or the ballast’s duties in a system.” Accordingly, it is requested that the rejection of claims 35 under 35 U.S.C. § 112 be reconsidered and withdrawn.

Claim Rejections - 35 U.S.C. § 102(b)

Claims 1-30, 34, 36-40, 45, 46, 60, and 62 are rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,154,504, issued to Helal *et al.* (hereinafter referred to as “Helal *et al.*”).

Helal *et al.* neither discloses nor suggests a ballast comprising a processor, as required in Applicant’s claimed invention. In contrast, Helal *et al.* teaches a microcomputer that is external and separate from a lamp. (Figure 2). Further, Helal *et al.* nowhere mentions a ballast.

Also, the system disclosed in Helal *et al.* does not function as described in the instant Office Action. Examiner asserts, at paragraph 8, page 4 of the instant Office Action, that Helal *et al.* discloses “a microprocessor for controlling a level of a ballast output signal...in response to a plurality of ballast control signals (A1-A4, B1-B4)” and “an inverter (21)...for receiving a processor output signal (A3) from said microprocessor.” In accordance with Examiner’s assertions and as depicted in Examiner’s marked up version of Figure



2 (reproduced herein), the signal marked as A3 is both a ballast control signal and a processor output signal. This is contrary to the teachings of Helal *et al.*

Because Helal *et al.* neither discloses nor suggests a ballast comprising a processor, it is requested that the rejection of claims 1-30, 34, 36-40, 45, 46, 60, and 62 under 35 U.S.C. § 102 in view of Helal *et al.* be reconsidered and withdrawn.

Claim Rejections - 35 U.S.C. § 102(e)

Claims 37-46 and 59-61 are rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,771,029, issued to Ribarich *et al.* (hereinafter referred to as “Ribarich *et al.*”).

Ribarich *et al.* neither discloses nor suggests “said microprocessor directly controlling said inverter,” as recited in independent claims 37, 38, 59, and 60. As shown in Figure 1 of Ribarich *et al.*, as marked up by the Examiner (reproduced herein), the microprocessor does not directly control an inverter (see lighting control 24). Accordingly, it is requested that the rejection of claims 37-46 and 59-61 under 35 U.S.C. § 102 in view of Ribarich *et al.* be reconsidered and withdrawn.

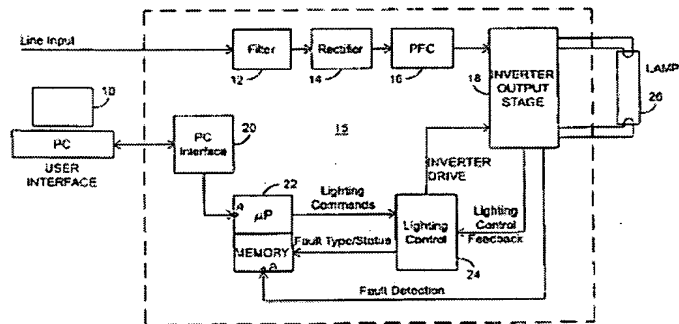


FIG. 1

Improper Claim Rejections Under 35 U.S.C. § 102 And Omissions

The above-rejected claims recite various features that appear to have been overlooked in the rejections under 35 U.S.C. § 102. Without an explanation as to how Helal *et al.* and Ribarich *et al.* teach every feature of the rejected claims, Applicant is deprived of an opportunity to provide a meaningful response.

“The goal of examination is to clearly articulate any rejection early in the prosecution process so that the applicant has the opportunity to provide evidence of patentability and other wise reply completely at the earliest opportunity.” MPEP 706. “In rejecting claims for want of novelty or for obviousness, the examiner must cite the best references at his or her command. When a reference ... shows or describes inventions other than that claimed by the applicant, the particular part relied on must be designated as nearly as practicable. The pertinence of reference, if not apparent, must be clearly explained and each rejected claim specified.” (emphasis added) 37 § CFR 1.104 (c)(2), MPEP 706. To anticipate a claim, a reference must teach every claimed element. MPEP § 2131 (emphasis added). Furthermore, the examiner bears the burden of proof to show patent invalidity. *See In re Caveney*, 761 F.2d 671, 674 (Fed. Cir. 1985). Such proof must amount to a preponderance of the evidence to warrant rejection of claims. *Id.* Examiner has not met his burden.

An explanation as to how Helal *et al.* and Ribarich *et al.* teach every feature of the rejected claims has not been provided. The following is an exemplary list of claim features that have not been addressed in the instant Office Action. This list is not intended to be representative of all features of the rejected claims.

Claim 2 - “said ballast output signal controls a light level of a gas discharge lamp”

Claim 3 - “controlling one other ballast”

Claim 8 - “parameters of said ballast output signal are determined in accordance with a sequence and priority of values of said ballast control signals”

Claim 21 - “predicting when to open and when to close said switch”

Claim 22 - “selecting said predetermined set point procedure from a plurality of set point procedures”

Because no explanation has been provided as to how at least the above features are anticipated by Helal *et al.* and Ribarich *et al.*, Applicant submits that it has not been demonstrated by a preponderance of the evidence that Helal *et al.* and Ribarich *et al.* teach each and every element of the claims rejected in view of Helal *et al.* and Ribarich *et al.*, as required in accordance with MPEP § 2131. Examiner has not designated the particular parts of Helal *et al.* and Ribarich *et al.* relied upon as nearly as practicable, as required under 37 §

CFR 1.104 (b). Further, as described above, it is apparent that Helal *et al.* and Ribarich *et al.* show or describe inventions other than that claimed by the Applicant.

Also note that claim 31 has not been addressed in the instant Office Action.

Claim Rejections - 35 U.S.C. § 103

Claims 47, 48, 63, and 64 are rejected under 35 U.S.C. § 103(a) “as being unpatentable over Helal.” The arguments and remarks provided above with respect to rejections based on Helal *et al.*, under 35 U.S.C. § 102 also apply to the rejections of 47, 48, 63, and 64 rejected under 35 U.S.C. § 103. Accordingly, Applicant respectfully requests the rejection of claim 47, 48, 63, and 64 under 35 U.S.C. § 103 be reconsidered and withdrawn.

Allowable Subject Matter

Claims 41-44 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Applicant agrees with Examiner that the cited prior art “fails to establish a program stored in a microprocessor for determining a desired level; said program using a portion of a set of data to determine how a message received via said at least two ports is used to determine said desired level as require[d] in claims 41 and 42 or a program stored in a microprocessor for generating a command for a lighting load, the command being sent via one of at least two ports, wherein said program utilizes a set of data to determine a content of the command in accordance a message received via the at least two ports as required in claims 43 and 44.”

Accordingly, Applicant submits that the rejection of claims 41-44 under 35 U.S.C. § 102 as being anticipated by Ribarich *et al.* was made in error.

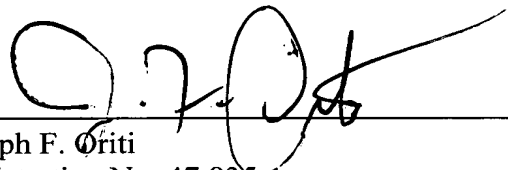
DOCKET NO.: LUTR-0241/03-055 P2
Application No.: 10/824,248
Office Action Dated: December 13, 2005

PATENT

CONCLUSION

In view of the foregoing arguments, remarks, and amendments, it is submitted that this application is in condition for allowance. Reconsideration of this application and an early Notice of Allowance are requested. In the event that the Examiner cannot allow this application for any reason, the Examiner is encouraged to contact the undersigned attorney to discuss resolution of any remaining issues.

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